



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2019

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRL.O.P. (MD) No.9199 of 2019

and

CrI.M.P (MD) No.5860 of 2019

WEB COPY

1.Rengarajan
2.Venkatachalapathy @ Venkatesh
3.Baskar
4.Muthuraj ... Petitioners/Accused Nos.1 to 4

Vs.

1.The State rep. by
The Inspector of Police,
Tenkarai Police Station,
Tenkarai, Periyakulam,
Theni District.
(Crime No.687 of 2015) ... 1st Respondent/Complainant

2.Sathik ... 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the charge sheet in C.C.No.16 of 2019 on the file of Judicial Magistrate Court, Periyakulam and quash the same as against these petitioners as illegal.

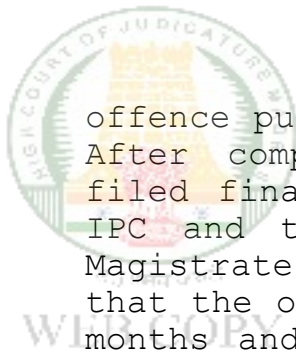
For Petitioners : Mr.M.Ajmal Khan, Senior Counsel
for M/s.Ajmal Associates.
For R1 : Mr.K.Suyambulinga Bharathi,
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.16 of 2019 on the file of Judicial Magistrate Court, Periyakulam.

2.The learned Senior counsel for the petitioners submitted that the petitioners are arrayed as A1 to A4. The crux of the case is that the second respondent is a journalist, on 10.10.2015, the second respondent was gathering news and taken photographs of the inspection conducted at Konar Gas Agencies by the competent authority. At the instance, the petitioners made objection by using unparliamentary words as against him and also attacked the defacto complainant. Hence the complaint.

3.On the complaint lodged by the second respondent, the first respondent registered a case in Crime No.687 of 2015 for the



offence punishable under Sections 147, 294(b), 323 and 379 (NP) IPC. After completion of investigation, the first respondent police filed final report for the offence under Sections 294(b) and 323 IPC and the same was taken cognizance by the learned Judicial Magistrate, Periakulam in C.C.No.16 of 2019. He further submitted that the offence punishable with imprisonment for a period of three months and one year respectively. Therefore, the first respondent ought to have filed final report within a period of one year from the date of occurrence. Admittedly, the occurrence took place on 10.10.2015 and the charge sheet filed only on 19.03.2019. Therefore, it is liable to be quashed.

4. Though notice was served on the second respondent, his name is printed in the cause list, none appeared on behalf of the second respondent.

5. The learned Government Advocate (Criminal Side) would submit that on the complaint lodged by the second respondent, the respondent police registered the case and after completion of investigation, final report was filed. However, he fairly conceded that the final report filed after a lapse of four years from the date of occurrence.

6. It is seen that the petitioners were charged for the offence under Sections 294(b) and 323 IPC and the same has been taken cognizance in C.C.No.16 of 2019, on the file of the learned Judicial Magistrate, Periakulam.

7. On perusal of the documents, the petitioners arrayed as A1 to A4. The occurrence took place on 10.10.2015 and the first respondent completed the investigation and filed final report on 19.03.2019 for the offence under Sections 294(b) and 323 IPC. The offence punishable with imprisonment for a period of three months and one year respectively. But, the first respondent filed final report after a lapse of four years from the date of occurrence. Therefore, it is violation of Section 468 (2) Cr.P.C.

Section 468 (2) Cr.P.C is extracted here under:

"The period of limitation shall be -

- (a) six months, if the offence is punishable with fine only,
- (b) one year, if the offence is punishable with imprisonment for a term not exceeding one year,
- (c) three years, if the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years."

8. In view of the above, the entire proceedings initiated cannot be sustained as against the petitioners.

9. That apart, it is the case in counter. At the alleged occurrence on 10.10.2015, the petitioners also lodged a



complaint as against the second respondent and the same was registered in Crime No.686 of 2015, for the offence punishable under Sections 294(b) and 506(i) IPC. After registration of the complaint, the first respondent did not complete the investigation till today. Therefore, the first respondent failed to follow the procedure contemplated under the Police Standing Order 588 (A).

10. Therefore, the entire proceedings as against the petitioners cannot be sustained. Accordingly, the proceedings in C.C.No.16 of 2019 on the file of Judicial Magistrate Court, Periyakulam, is hereby quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

das

To

1. The Judicial Magistrate, Periyakulam.

2. The Inspector of Police,
Tenkarai Police Station,
Tenkarai, Periyakulam,
Theni District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-101334[F] dated 26/11/2019)

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VB(19.12.2019) 3P 5C